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Opinion Co., 6 App. Div. 600, 39 N. Y. Supp. 957, as illustrative of several decisions denying the accuracy of defendant's statement that such an examination is never held to be necessary after issue joined, when it appears that the examination can be had at the trial, except where fraud is alleged, or some relation of trust confers a present right to know the facts to be elicited at the trial.

RELATIVE RIGHTS.

Money Lost by Agent—Recovery by Principal.—*Thompson v. Hynds et al.*, 49 Pac. 293 (Utah). Where a husband has been entrusted with a sum of money by his wife for the specific purpose of investing it for her in mining stocks, and has testified that he gambled it away to defendants; *held*, that he was acting in the capacity of her agent, and she as principal can recover it back, as the transaction gave defendant winners no title to the money. *Pierson v. Fuhrmann*, 27 Pac. 1015; *Mason v. Waite*, 17 Mass. 560; *Keener Quasi Cont.*, 183, 188, and others quoted.

Right of Action—Compelling the Discharge of a Servant.—*Perkins v. Pendleton*, 38 Atlantic Rep. 96 (Me.). A servant has a right of action against a third person who has unlawfully and by improper means procured his discharge from an employment and on account of which he has suffered injury. This is held to be so even though the master might have lawfully discharged the servant of his own accord. This case is somewhat different from *Lumley v. Gye*, 2 El. and Bl. 216, and *Bowen v. Hall*, 6 Q. B. Div. 333, and the early American and English decisions following them. It is held in these cases that the employer has a right of action against a third person who unlawfully procures a breach of contract of service. *Perkins v. Pendleton* holds there is no distinction and that the rule applies, both upon principle and authority, where the employer is induced to break his contract or where it is broken by the employee.

Support of Child—Liability of Father after Divorce.—*Dolloff v. Dolloff*, 38 Atl. Rep. 19 (N. H.). A divorce procured by the mother with alimony and custody of the child, does not release the father from the obligation to support the child. Alimony is not maintenance to the children but to the wife.

MISCELLANEOUS.

Power of Congress—Postal Regulations—Right of Citizen to Use Mails—Due Process of Law.—*Hoover v. McChesney*, 81 Fed. Rep. 472. Congress has the right to exclude from the mails such matter as it may deem injurious to the morals of the people; but it has never yet been held to have the power to delegate to an executive officer the power to determine the person or persons who shall be excluded from the right of sending and receiving mail by the postal system. For an